

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/846,225	GRESS ET AL.	
	Examiner	Art Unit Eliseo Ramos-Feliciano	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Interview of March 29, 2006.
2.  The allowed claim(s) is/are 1-42.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date 06/16/2004.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on April 3, 2006, Atty. Leon R. Turkevich requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 50-1130, under Order No. 95-460, the required fee of \$120.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a personal interview with Atty. Leon R. Turkevich (Reg. No. 34,035) on March 29, 2006.
4. The application has been amended as follows:

**IN THE CLAIMS:**

1. (Currently amended) A method in a server configured for executing messaging operations, the method comprising:

receiving a short message service (SMS) message, having been generated by a sender, that specifies a text-to-speech messaging command, a text-based message, and a messaging destination;

detecting the text-to-speech messaging command during parsing of the SMS message; invoking a text-to-speech resource for conversion of the text-based message into an audible message in response to detecting the text-to-speech messaging command; and outputting the audible message for delivery to the messaging destination.

12. (Currently amended) A server configured for executing messaging operations, the server including:

an interface configured for receiving a short message service (SMS) message, having been generated by a sender and containing a text-to-speech messaging command, a text-based message, and a messaging destination, according to a prescribed network protocol;

a text-to-speech resource interface configured for controlling conversion of the text-based message into an audible message; and

an SMS command processor configured for parsing the SMS message and invoking the text-to-speech resource for conversion of the text-based message into the audible message in response to detecting the text-to-speech messaging command, the SMS command processor configured for outputting the audible message for delivery to the messaging destination.

20. (Currently amended) A computer readable medium having stored thereon sequences of instructions for receiving a short message service (SMS) message by a server, the sequences of instructions including instructions for performing the steps of:

receiving a short message service (SMS) message, having been generated by a sender, that specifies a text-to-speech messaging command, a text-based message, and a messaging destination;

detecting the text-to-speech messaging command during parsing of the SMS message; invoking a text-to-speech resource for conversion of the text-based message into an audible message in response to detecting the text-to-speech messaging command; and outputting the audible message for delivery to the messaging destination.

31. (Currently amended) A server comprising:

means for receiving a short message service (SMS) message, having been generated by a sender, that specifies a text-to-speech messaging command, a text-based message, and a messaging destination;

means for detecting the text-to-speech messaging command during parsing of the SMS message;

means for invoking a text-to-speech resource for conversion of the text-based message into an audible message in response to detecting the text-to-speech messaging command; and means for outputting the audible message for delivery to the messaging destination.

***Art Unit – Notice***

5. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

***Drawings***

6. The drawings filed on July 7, 2001 are acceptable subject to correction of the informalities indicated on the "Notice of Draftsperson's Patent Drawing Review," PTO-948, mailed June 16, 2004. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

7. In order to avoid abandonment, the drawing informalities noted in the paper mailed on January 2, 2004, must now be corrected. Correction can only be effected in the manner set forth in the above noted paper.

***Allowable Subject Matter***

8. **Claims 1-42 (renumbered as 1-19, 21-42 and 20, respectively)** are allowed.

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9. The following is an examiner's statement of reasons for allowance:

**Claims 1, 12, 20 and 31** are allowed because the closest prior art, Schwelb et al. (US Patent Number 5,950,123), Jones (US Patent Number 5,832,221) and Luther (US Patent Number 5,640,590), either singularly or in combination, fail to anticipate or render obvious the newly added limitation(s) specifying it is the sender (user generating the SMS message) who specifies the text-to-speech messaging command that is included along with the text-based message and the messaging destination within the SMS message, in combination with all other limitations in the claim(s) as defined and argued by Applicant.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

10. Any inquiry concerning this communication from the examiner should be directed to Eliseo Ramos-Feliciano whose telephone number is 571-272-7925. The examiner can normally be reached from 8:00 a.m. to 5:30 p.m. on 5-4/9 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ERF/erf  
April 3, 2006



ELISEO RAMOS-FELICIANO  
PRIMARY EXAMINER